



03500.015873

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A

TETSUYA ITANO

Application No.: 09/976,096

Filed: October 15, 2001

For: IMAGE PICKUP APPARATUS

Examiner: A. Moe

Group Art Unit: 2612

January 14, 2005

MAIL STOP AMENDMENT

MIKE STORZ AND BROWN
Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

Applicant respectfully traverses the election of species requirement set forth in the Office Action dated December 15, 2004, requiring election from among the following species: Species I (Figures 7-11), Species II (Figure 12), Species III (Figure 13), Species IV (Figures 14 and 15), and Species V (Figure 16).

Requiring an election of species is a discretionary matter for the Examiner, and need not be imposed in every instance. Applicant submits that in this application, the various species are closely related and would not require separate fields of search. Accordingly, neither Applicant nor the Patent and Trademark Office should be put to the trouble and expense entailed in multiple filing and prosecution. Moreover, it is respectfully submitted that the public at large should not be required to obtain and study separate patent documents in order to have available all of the issued patent claims covering the invention.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicant provisionally elects Species I represented by Figures 7-11. It is respectfully submitted that Claims 1 and 3-6 read on the elected species.

Applicant submits that Claim 2 corresponds to Species IV. Claim 2 depends from Claim 1. Accordingly, Applicant submits that Claim 1 is generic to Species I and IV.

Favorable consideration is requested.

Also, in the Office Action mailed December 15, 2004, the Examiner requested copies of the following documents listed on the PTO-1449 Forms attached to Information Disclosure Statements filed November 4, October 14, and July 1, 2003, and April 3, 2002:

- a. Office Action, European Patent Office, dated September 25, 2003;
- b. Office Action, China Patent Office, dated August 22, 2003 (with English translation);
- c. European Search Report, dated April 22, 2003 (Ref. No. 2790830); and
- d. EPO Official Communication, dated February 15, 2002 (Ref. No. 2790830).

Copies of the documents are enclosed. Applicant respectfully requests that the Examiner consider the documents cited in the Information Disclosure Statements, and return initialled copies of the PTO-1449 Forms indicating his consideration of the cited documents.

Applicant's undersigned attorney may be reached in our Washington, D.C., office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below address.

Respectfully submitted,



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